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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRISTINA CORCORAN, as Special)	
Administrator of the Estate of)	
ROBERT CORCORAN, deceased,)	
)	
Plaintiff,)	No.: 17 CV 2803
v.)	
)	
TRANSCO LINES, INC. and)	
ALFRED JOHNSON,)	
)	
Defendants.)	

**DEFENDANTS' NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**

NOW COME the Defendants TRANSCO LINES, INC. and ALFRED JOHNSON, by their attorney, Jonathan P. Schaefer of PURCELL & WARDROPE, CHTD., and pursuant to 28 U.S.C.A. 1332, 1441 and 1446, hereby provide notice of their removal of this cause pursuant to said statutes and for the following reasons:

1. On March 16, 2017, there was commenced and is now pending in the Circuit Court of the Twelfth Judicial Circuit for the County of Will, Illinois, a certain civil action under case #17 L 222, in which Kristina Corcoran, Special Administrator of the Estate of Robert Corcoran, deceased, is the plaintiff, Transco Lines, Inc. and Alfred Johnson, are defendants.

2. The aforementioned lawsuit is brought by the Plaintiff seeking damages for personal injuries allegedly sustained in a motor vehicle accident occurring in Will County, Illinois on April 15, 2015, involving a truck being operated by Alfred Johnson for Transco Lines, Inc.

3. The Plaintiff's Complaint claims that Robert Corcoran sustained injuries in said accident, resulting in his death. Based on the foregoing, the amount in controversy in this litigation exceeds \$75,000.

4. The Defendants state that the above lawsuit involves a controversy with complete diversity of citizenship between the Defendants on the one hand, and the plaintiffs on the other hand, and the Defendants affirmatively state further:

- (a) Upon information and belief, the Plaintiff, Kristina Corcoran was a citizen and resident of the State of Illinois, and not of the states of Arkansas and Delaware;
- (b) At the time of the subject accident, upon information and belief, Robert Corcoran was a citizen and resident of the State of Illinois, and not of the states of Arkansas or Delaware;
- (c) The Defendant, Transco Lines, Inc., is a corporation organized and formed under the laws of the State of Arkansas, with its principal place of business in the state of Arkansas, and was not and is not a corporation created or organized under the laws of the State of Illinois, nor does it have its principal place of business in the State of Illinois;
- (d) At the time of the subject accident and at the time of the commencement of the state court action, the defendant Alfred Johnson was a citizen and resident of the State of Delaware, and not of the State of Illinois.

5. This matter involves a controversy between individuals who are residents of the State of Illinois on the one hand, and business entities and an individual whom were either incorporated, had their principal place of business, and/or resided in Arkansas and Delaware, on the other hand. Further, the amount in controversy involves more than Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs. Accordingly, the District Court for the United States has original jurisdiction over this lawsuit.

6. This Notice of Removal is timely filed, as it was filed within thirty days of the original filing of the Complaint at Law in Will County, Illinois.

7. Attached hereto and made a part hereof are copies of the following documents to that were filed by the Plaintiffs and the Defendants in the Circuit Court of the Fifteenth Judicial Circuity for the County of Will, Illinois under case #17 L 222:

- The Plaintiff's Complaint at Law;
- Affidavit Rule 222;
- Petition to Appoint Special Administrator;
- Supporting Document(s)/Exhibit(s);
- Affidavit of Heirship;
- Supporting Document(s)/Exhibit(s);
- The Summons directed to the Defendant, Transco Lines, Inc.;
- The Summons directed to the Defendant, Alfred Johnson;
- 03/16/17 Order Signed;
- Return of service upon Defendant Transco Lines, Inc.;
- Return of Service upon Defendant, Alfred Johnson;
- The Defendants' Appearance and Jury Demand, and Notice of Filing same;
- The Defendants' Answer and Affirmative Defenses, and Notice of Filing same;
- Defendants' Notice of Filing Re: Notice of Removal.

To the Defendants' knowledge, no other documents, nor pleadings were filed in said lawsuit.

8. Notice of the filing of this Removal has been given to all parties as required by law, and is attached hereto. A true and correct copy of this Removal has been filed with the Clerk of the Twelfth Judicial Circuit for the County of Will, Illinois, as provided by law.

9. The Defendants herein on removal also demand this case be tried by a jury.

WHEREFORE, the Defendants TRANSCO LINES, INC., and ALFRED JOHNSON, pray they may affect removal of the within action from the Circuit Court of the Twelfth Judicial Circuit for Will County, Illinois, to the United States District Court for the Northern District of Illinois – Eastern Division, and that the matter be tried before a jury.

Respectfully submitted,

s/ Jonathan P. Schaefer

PURCELL & WARDROPE CHTD.
10 South LaSalle Street
Suite 1200
Chicago, IL 60603
(312) 427-3900
JPS@pw-law.com
Attorney No. 6182649
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STATE OF ILLINOIS)
)SS
COUNTY OF WILL)

FILED FSC/hlk
9998-001

2017 MAR 16 PM 3:21

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
)
Plaintiff,)
)
v.) No.
)
TRANSCO LINES, INC., and) 17 "L" 0271
ALFRED JOHNSON,)
)
Defendants.)

COMPLAINT AT LAW
COUNT I
CORCORAN v. TRANSCO LINES, INC.

NOW COMES the Plaintiff, KRISTINA CORCORAN, as Special Administrator of the Estate of ROBERT CORCORAN, Deceased, by and through her attorneys, RATHBUN, CSERVENYAK & KOZOL, LLC, and complaining of the Defendant, TRANSCO LINES, INC., (hereinafter referred to as TRANSCO) states as follows:

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.
2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
3. That on the aforesaid date, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan

Juria's case management set for
7-5-17 at: 9:00 am

Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

4. That on the aforesaid date, Defendant, ALFRED JOHNSON, was acting as agent and/or servant of Defendant, TRANSCO LINES, INC.

5. That at said time and place, a collision occurred between the semi truck the Defendant was operating and Plaintiff's vehicle.

6. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care in the operation of his vehicle.

7. That at all times pertinent hereto, it was the duty of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, to exercise ordinary and due care in the operation of its semi truck.

8. Notwithstanding the aforesaid duty, Defendant breached said duty and was careless and negligent in one or more of the following respects:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
- (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;
- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

9. That one or more of the aforesaid careless and negligent acts and/or omissions of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, was a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

10. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

11. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

12. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against the Defendant, TRANSCO LINES, INC., in an amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II
CORCORAN v. ALFRED JOHNSON

NOW COMES the Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, by and through her attorneys, RATHBUN, CSERVENYAK & KOZOL, LLC, and complaining of the Defendant, ALFRED JOHNSON, states as follows:

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.
2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
3. That on the aforesaid date, Defendant, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
4. That at said time and place, a collision was caused by Defendant's semi truck with the Plaintiff's vehicle.
5. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care as a vehicle operator.
6. That at all times pertinent hereto, it was the duty of Defendant, ALFRED JOHNSON, to exercise ordinary and due care in the operation of his semi truck.
7. Notwithstanding the aforesaid duty, Defendant, ALFRED JOHNSON, breached said duty and was careless and negligent in one or more of the following respects:
 - (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
 - (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
 - (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
 - (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;

- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

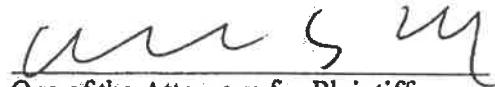
8. That the aforesaid careless and negligent acts and/or omissions of Defendant were a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

10. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

11. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against Defendant, ALFRED JOHNSON, in a dollar amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.



One of the Attorneys for Plaintiff

Frank S. Cservenyak, Jr. - 06198165
Rathbun, Cservenyak & Kozol, LLC
3260 Executive Drive
Joliet, Illinois 60431
(815) 730-1977

STATE OF ILLINOIS)
COUNTY OF WILL)
SS)

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.)
No.)
TRANSCO LINES, INC., and)
ALFRED JOHNSON,)
Defendants.)

AFFIDAVIT OF DAMAGES PURSUANT TO SUPREME COURT RULE 222

I, Frank S. Cserenyak, Jr., being first duly sworn and under oath, state that the attached complaint seeks damages in excess of \$50,000.00.

FRANK S. CSERVENYAK, JR.

Subscribed and sworn to before me
this 14th day of March, 2017.

Neida Kemps
NOTARY PUBLIC



RATHBUN, CSERVENYAK & KOZOL, LLC
Attorneys for Plaintiff
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
ARDC No. 06198165
frank@rcklawfirm.com

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

IN RE:
The Estate of
ROBERT J. CORCORAN, Deceased,

17th L 0222

2011 MAR 16 P 333
RECEIVED
LINCOLN COUNTY
SECURITY, LLC

PETITION TO APPOINT SPECIAL ADMINISTRATOR

The Petitioner, KRISTINA CORCORAN, by and through her attorneys, RATHBUN, CSERVENYAK & KOZOL, LLC, states the following in support of this petition to be named Special Administrator of the Estate of ROBERT J. CORCORAN, deceased:

1. The decedent, ROBERT J. CORCORAN, died on April 15, 2015, as a result of a motor vehicle occurrence (a copy of the Death Certificate is attached hereto as Exhibit "A".)
2. At the time of his death, ROBERT J. CORCORAN was 45 years of age.
3. At the time of his death, ROBERT J. CORCORAN, was survived by his wife, KRISTINA CORCORAN, and his two minor sons, Zachary Robert Corcoran (DOB: 5/20/99) and Gavin Leonard Corcoran (DOB: 9/18/03).
4. The decedent, ROBERT J. CORCORAN, died intestate.
5. A probate estate has never been opened; therefore, no petition for letters of administration relating to same have ever been filed.
6. The only asset of the decedent's estate is a wrongful death cause of action.
7. The current address of Petitioner is 21365 Oxbow Court, Elwood, IL 60421.

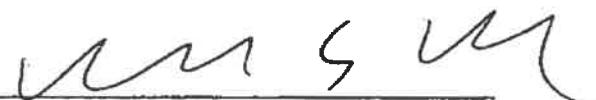
8. Petitioner is the spouse of the decedent, ROBERT CORCORAN, and is legally qualified to act, or to nominate a resident of Illinois to act, as the administrator.

9. It is the intention of the decedent's next of kin, through KRISTINA CORCORAN, to file a wrongful death action. (See attached as Exhibit "B" Petitioner's Complaint at Law.)

10. KRISTINA CORCORAN incorporates by reference an Affidavit of Heirship as Exhibit "C".

WHEREFORE, in accordance with 740 ILCS 180/2.1, KRISTINA CORCORAN, hereby requests that this Court enter an order appointing her Special Administrator of the Estate of ROBERT J. CORCORAN, Deceased, in order to pursue a cause of action arising from his injuries and death on behalf the next of kin.

By:


One of the Attorneys for Petitioner

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

BY: 
KRISTINA CORCORAN

Frank S. Cserenyak, Jr., #06198165
RATHBUN, CSERVENYAK & KOZOL, LLC
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977

03/17/17 12:18:00 WCCH

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

IN RE:

Estate of ROBERT J. CORCORAN,

Deceased,

AFFIDAVIT OF HEIRSHIP

2017 MAR 16 P 3:33
WILL COUNTY COURTHOUSE
WILL COUNTY, ILLINOIS

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I, KRISTINA CORCORAN, being duly sworn on oath, depose and state:

1. Robert J. Corcoran died on April 15, 2015 at Jackson Township, Will County, Illinois.
2. At the time of his death, Robert J. Corcoran resided at 21365 Oxbow Court, Elwood, Illinois.
3. I am the spouse of Robert J. Corcoran.
4. I am of legal age (DOB 3/28/72).
5. I reside at 21365 Oxbow Court in Elwood, Illinois.
6. Decedent was married one (1) time to Kristina Corcoran.
7. Decedent and Kristina Corcoran had two (2) children:

Zachary Robert Corcoran (DOB: 5/20/99)
Gavin Leonard Corcoran (DOB: 9/18/03)

8. Decedent had no other children nor did he adopt any other children.

Further Affiant sayeth not.

SUBSCRIBED AND SWORN to before me,
this 14 day of March, 2017.

Notary Public

22/17/17 13:38:09 4001

CERTIFICATION OF DEATH RECORD

03/17/17 12:18:00 WCCN

WILL COUNTY LOCAL REGISTRAR
JOLIET, ILLINOIS
MEDICAL EXAMINER/CORONER CERTIFICATE OF DEATH

17L222

STATE FILE NUMBER 2015 0031182

MEDICAL EXAMINER'S CASE NUMBER 15-0169

DATE ISSUED 5/20/2015

DECEDENT'S LEGAL NAME ROBERT J CORCORAN				SEX MALE	DATE OF DEATH APRIL 16, 2015	
COUNTY OF DEATH WILL	AGE AT LAST BIRTHDAY 45 YEARS			DATE OF BIRTH AUGUST 18, 1969		
CITY OR TOWN JACKSON TWP			HOSPITAL OR OTHER INSTITUTION NAME ILLINOIS 53 AND MANHATTAN ROAD			
PLACE OF DEATH INTERSECTION						
BIRTHPLACE JOLIET, IL	SOCIAL SECURITY NUMBER 332-70-8723	STATUS AT TIME OF DEATH MARRIED		SURVIVING SPOUSE/CIVIL UNION PARTNER'S MAIDEN NAME KRISTINA L FACCHINA	EVER IN U.S. ARMED FORCES? NO	
RESIDENCE 21365 OXBOW COURT	APT NO	CITY OR TOWN ELWOOD			INSIDE CITY LIMITS? YES	
COUNTY WILL	STATE IL	ZIP CODE 60421	FATHER/CO-PARENT'S NAME PRIOR TO FIRST MARRIAGE/CIVIL UNION JOHN C CORCORAN		MOTHER/CO-PARENT'S NAME PRIOR TO FIRST MARRIAGE/CIVIL UNION JOANNE L OESTMAN	
INFORMANT'S NAME KRISTINA L CORCORAN			RELATIONSHIP SPOUSE	MAILING ADDRESS 21365 OXBOW COURT, ELWOOD, IL, 60421		
METHOD OF DISPOSITION CREMATION		PLACE OF DISPOSITION RIVER'S EDGE CREMATORIAL		LOCATION - CITY OR TOWN AND STATE JOLIET, IL	DATE OF DISPOSITION APRIL 17, 2015	
FUNERAL HOME TEZAK FUNERAL HOME, 1211 PLAINFIELD RD, JOLIET, IL, 60435						
FUNERAL DIRECTOR'S NAME KENNETH JOHN TEZAK				FUNERAL DIRECTOR'S ILLINOIS LICENSE NUMBER 034016778		
LOCAL REGISTRAR'S NAME JOHN J CICERO				DATE FILED WITH LOCAL REGISTRAR MAY 20, 2015		
CAUSE OF DEATH		PART I CRANIOCEREBRAL INJURIES				
IMMEDIATE CAUSE (Final disease or condition requiring life support or resuscitation)		<p>a. _____ Due to (or as a consequence of) _____</p> <p>b. AUTOMOBILE STRIKING SEMI TRACTOR TRAILER</p> <p>c. _____ Due to (or as a consequence of) _____</p> <p>d. _____ Due to (or as a consequence of) _____</p>				
		APPROXIMATE INTERVAL BETWEEN ONSET AND DEATH				
PART II Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I						WAS AN AUTOPSY PERFORMED? YES
						WERE AUTOPSY FINDINGS USED TO COMPLETE CAUSE OF DEATH? YES
FEMALE PREGNANCY STATUS NOT APPLICABLE						MANNER OF DEATH - ACCIDENT
DATE OF INJURY APRIL 15, 2015	TIME OF INJURY 10:42 PM	PLACE OF INJURY ROADWAY			INJURY AT WORK? NO	
LOCATION OF INJURY ILLINOIS RT 53 AND WEST MANHATTAN ROAD, JACKSON TWP, IL, 60421						
DESCRIBE HOW INJURY OCCURRED AUTOMOBILE MISHAP						IF TRANSPORTATION INJURY, SPECIFY DRIVER / OPERATOR
ATTEND THE DECEASED?	DATE LAST SEEN ALIVE	WAS MEDICAL EXAMINER OR CORONER CONTACTED?		DATE PRONOUNCED APRIL 16, 2015	TIME OF DEATH 12:35 AM	
CERTIFIED MEDICAL EXAMINER/CORONER NAME, ADDRESS AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH PATRICK K ONEIL, 158 N SCOTT STREET, JOLIET, IL, 60432					DATE CERTIFIED MAY 20, 2015	
					PHYSICIAN'S LICENSE NUMBER	

This is to certify that this is a true and correct copy from the official record filed with the Illinois Department of Public Health.

John J. Cicero, M.H.A.
John J. Cicero, M.H.A.
Executive Director and Local Registrar
Will County Health Department

PLAINTIFF'S
EXHIBIT

ANY ALTERATION OR ERASURE Voids THIS CERTIFICATE

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.) No.
TRANSCO LINES, INC., and)
ALFRED JOHNSON,)
Defendants.)

COMPLAINT AT LAW
COUNT I
CORCORAN v. TRANSCO LINES, INC.

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1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.
2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
3. That on the aforesaid date, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan



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Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

4. That on the aforesaid date, Defendant, ALFRED JOHNSON, was acting as agent and/or servant of Defendant, TRANSCO LINES, INC.

5. That at said time and place, a collision occurred between the semi truck the Defendant was operating and Plaintiff's vehicle.

6. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care in the operation of his vehicle.

7. That at all times pertinent hereto, it was the duty of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, to exercise ordinary and due care in the operation of its semi truck.

8. Notwithstanding the aforesaid duty, Defendant breached said duty and was careless and negligent in one or more of the following respects:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
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- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

9. That one or more of the aforesaid careless and negligent acts and/or omissions of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, was a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

10. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

11. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

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WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against the Defendant, TRANSCO LINES, INC., in an amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II
CORCORAN v. ALFRED JOHNSON

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4. That at said time and place, a collision was caused by Defendant's semi truck with the Plaintiff's vehicle.

5. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care as a vehicle operator.

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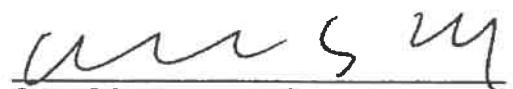
8. That the aforesaid careless and negligent acts and/or omissions of Defendant were a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

10. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

11. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against Defendant, ALFRED JOHNSON, in a dollar amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.



One of the Attorneys for Plaintiff

Frank S. Cserenyak, Jr. - 06198165
Rathbun, Cserenyak & Kozol, LLC
3260 Executive Drive
Joliet, Illinois 60431
(815) 730-1977

STATE OF ILLINOIS)
)
COUNTY OF WILL)

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.)
TRANSCO LINES, INC., and)
ALFRED JOHNSON,)
Defendants.)

AFFIDAVIT OF DAMAGES PURSUANT TO SUPREME COURT RULE 222

I, Frank S. Cserenyak, Jr., being first duly sworn and under oath, state that the attached complaint seeks damages in excess of \$50,000.00.

FRANK S. CSERVENYAK, JR.

Subscribed and sworn to before me
this 14th day of March, 2017.

RATHBUN, CSERVENYAK & KOZOL, LLC
Attorneys for Plaintiff
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
ARDC No. 06198165
frank@rcklawfirm.com

An official notary seal for Heidi Kempf, Notary Public, State of Illinois. The seal is rectangular with a decorative border. The text inside reads: "OFFICIAL SEAL", "HEIDI KEMPS", "NOTARY PUBLIC - STATE OF ILLINOIS", and "MY COMMISSION EXPIRES 03/11/18".

STATE OF ILLINOIS)
)SS
COUNTY OF WILL)

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.)
TRANSCO LINES, INC., and)
ALFRED JOHNSON,)
Defendants.)

No. 17 "L" 0222

SUMMONS

To each defendant: Transco Lines, Inc. c/o Tim Pool, Registered Agent, 60 Transco Park Drive, Russellville, AR 72811

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse Building, 14 West Jefferson Street, Joliet, Illinois 60435, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with the endorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS MAR 1⁰ 2017 2017
(Seal of Court)
ANDREA LYNN CHASTEEN
(Clerk of the Circuit Court)
By:

Frank S. Cserenyak, Jr. - 06198165
RATHBUN, CSERVENYAK & KOZOL, LLC.
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
frank@rcklawfirm.com

COPY

STATE OF ILLINOIS)
)SS
COUNTY OF WILL)

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
)
Plaintiff,)
v.)
)
TRANSCO LINES, INC., and)
ALFRED JOHNSON,)
)
Defendants.)

No. 17 L 222

SUMMONS

To each defendant: Alfred Johnson, 22 Seaford Meadows, Seaford, DE 19973

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse Building, 14 West Jefferson Street, Joliet, Illinois 60435, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

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This summons may not be served later than 30 days after its date.

MAR 1st 2017

WITNESS _____ 2017

(Seal of Court)

ANDREA LYNN CHASTEEN

(Clerk of the Circuit Court)

By: _____

Frank S. Cservenyak, Jr. - 06198165
RATHBUN, CSERVENYAK & KOZOL, LLC.
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
frank@rcklawfirm.com

COPY

03/17/17 12:18:00 WCCH

A/0

03/21/17 15:05:59 WCCA

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

IN RE:)
The Estate of ROBERT CORCORAN,)
)
Decedent.)

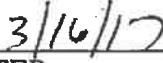
ORDER BY.....

THIS CAUSE coming on to be heard on Petition to Appoint Special Administrator, all
heirs and legatees having given their consent, and the Court being fully advised in the premises;

IT IS ORDERED:

KRISTINA CORCORAN is hereby appointed Special Administrator of the Estate of
ROBERT CORCORAN, Deceased.


JUDGE


ENTER

RATHBUN, CSERVENYAK & KOZOL
3260 Executive Drive
Joliet, IL 60432
815-730-1977

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

IN RE:)
The Estate of ROBERT CORCORAN,)
Decedent.)

201 MAR 16 P 3:33
LAWRENCEVILLE COURTHOUSE
WILL COUNTY, ILLINOIS

17^{'''}L⁴ 0222

ORDER

THIS CAUSE coming on to be heard on Petition to Appoint Special Administrator, all
heirs and legatees having given their consent, and the Court being fully advised in the premises;

IT IS ORDERED:

KRISTINA CORCORAN is hereby appointed Special Administrator of the Estate of
ROBERT CORCORAN, Deceased.

JUDGE (op>)

ENTER

RATHBUN, CSERVENYAK & KOZOL
3260 Executive Drive
Joliet, IL 60432
815-730-1977

COPY

2023/12/27 12:18:09 MCCC

STATE OF ILLINOIS)
COUNTY OF WILL)
)SS

FSC/hlk
9998-001

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special
Administrator of the Estate of
ROBERT CORCORAN, deceased,
Plaintiff,
v.
TRANSCO LINES, INC., and
ALFRED JOHNSON,
Defendants.

No. 17th L⁴ 0222

SUMMONS

To each defendant: Transco Lines, Inc. c/o Tim Pool, Registered Agent, 60 Transco Park Drive, Russellville, AR 72811

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse Building, 14 West Jefferson Street, Joliet, Illinois 60435, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

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This summons may not be served later than 30 days after its date.

WITNESS LYNN CHASTEE 2017
(Seal of County of Lynn)

(Clerk of the Circuit Court)
By:

Frank S. Cserenyak, Jr. - 06198165
RATHBUN, CSERVENYAK & KOZOL, LLC.
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
frank@rcklawfirm.com

2 COPY

Defendant Copy

On the 27 day of March, 2017 I have duly served the within Judgment by delivering a copy, and stating the substance thereof, to the within named.

Brad Heister Kamp

As I am herein commanded.

Sheriff Shane Jones

Sheriff.

By

1st Daniel Hwy #0701

Deputy Sheriff.

The UPS Store®
23000 Sussex Hwy.
Seaford, DE 19973
302.628.8771 fax



FAX

To Heather From Alfred Johnson
Company TransCo Lines, INC
Fax number 479-439-1433
Date 3/25/2017
Phone number _____
Fax number _____
Total pages 9
Job number _____

STATE OF ILLINOIS)
)
COUNTY OF WILL)

1258

FSC/blk
9998-001

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.) No. 17th L 022
TRANS CO LINES, INC., and)
ALFRED JOHNSON,)
Defendants.)

SUMMONS

To each defendant: Alfred Johnson, 22 Seaford Meadows, Seaford, DE 19973

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse Building, 14 West Jefferson Street, Joliet, Illinois 60435, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

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This summons may not be served later than 30 days after its date.

WITNESS MAR 16 2017 2017
(Seal of Court)
ANDREA LYNN CHASTEEEN
(Clerk of the Circuit Court)
By: _____

Frank S. Cservenyak, Jr. - 06198165
RATHBUN, CSERVENYAK & KOZOL, LLC.
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
frank@rcklawfirm.com

COPY

STATE OF ILLINOIS)
)
)
COUNTY OF WILL)

FSC/hlk
9998-001

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
)
Plaintiff,)
v.)
)
TRANS CO LINES, INC., and)
ALFRED JOHNSON,)
)
Defendants.)

3ZL 0221

No.

SUMMONS

To each defendant: Alfred Johnson, 22 Seaford Meadows, Seaford, DE 19973

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court, Will County Courthouse Building, 14 West Jefferson Street, Joliet, Illinois 60435, within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with the endorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

WITNESS MAP 16 2017
(Seal of Court)
ANDREA LYNN CHASTEEEN
(Clerk of the Circuit Court)
By: _____

Frank S. Cservesnyak, Jr. - 06198165
RATHBUN, CSERVENYAK & KOZOL, LLC.
3260 Executive Drive
Joliet, IL 60431
(815) 730-1977
frank@rcklawfirm.com

COPY

STATE OF ILLINOIS)
)
COUNTY OF WILL)

FILE FSC/hlk
9998-001

2017 MAR 16 PM 3:21

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
)
Plaintiff,)
)
v.)
)
TRANS CO LINES, INC., and)
ALFRED JOHNSON,)
)
Defendants.)

No.

17 L 0291

COMPLAINT AT LAW
COUNT I
CORCORAN v. TRANS CO LINES, INC.

NOW COMES the Plaintiff, KRISTINA CORCORAN, as Special Administrator of the Estate of ROBERT CORCORAN, Deceased, by and through her attorneys, RATHBUN, CSERVENYAK & KOZOL, LLC, and complaining of the Defendant, TRANS CO LINES, INC., (hereinafter referred to as TRANS CO) states as follows:

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.
2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
3. That on the aforesaid date, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANS CO LINES, INC., heading eastbound on Manhattan

Initials case management set for

7-5-17 at 9:00 am

Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

4. That on the aforesaid date, Defendant, ALFRED JOHNSON, was acting as agent and/or servant of Defendant, TRANSCO LINES, INC.

5. That at said time and place, a collision occurred between the semi truck the Defendant was operating and Plaintiff's vehicle.

6. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care in the operation of his vehicle.

7. That at all times pertinent hereto, it was the duty of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, to exercise ordinary and due care in the operation of its semi truck.

8. Notwithstanding the aforesaid duty, Defendant breached said duty and was careless and negligent in one or more of the following respects:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
- (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;
- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

9. That one or more of the aforesaid careless and negligent acts and/or omissions of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, was a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

10. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

11. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

12. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against the Defendant, TRANSCO LINES, INC., in an amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.

COUNT II
CORCORAN v. ALFRED JOHNSON

NOW COMES the Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, by and through her attorneys, RATHBUN, CSERVENYAK & KOZOL, LLC, and complaining of the Defendant, ALFRED JOHNSON, states as follows:

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.
2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
3. That on the aforesaid date, Defendant, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.
4. That at said time and place, a collision was caused by Defendant's semi truck with the Plaintiff's vehicle.
5. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care as a vehicle operator.
6. That at all times pertinent hereto, it was the duty of Defendant, ALFRED JOHNSON, to exercise ordinary and due care in the operation of his semi truck.
7. Notwithstanding the aforesaid duty, Defendant, ALFRED JOHNSON, breached said duty and was careless and negligent in one or more of the following respects:
 - (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
 - (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
 - (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
 - (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;

(e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;

(f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

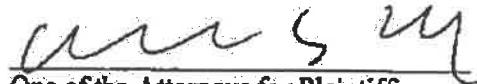
8. That the aforesaid careless and negligent acts and/or omissions of Defendant were a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

10. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

11. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran, Zachary Robert Corcoran, a minor, and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

WHEREFORE, Plaintiff, KRISTINA CORCORAN, Special Administrator of the Estate of ROBERT CORCORAN, Deceased, demands judgment against Defendant, ALFRED JOHNSON, in a dollar amount in excess of Fifty Thousand (\$50,000.00) Dollars to satisfy the jurisdictional limitation of this Court and such additional amounts as the jury and the Court shall deem proper, and additionally, costs of said suit.



One of the Attorneys for Plaintiff

Frank S. Cserenyak, Jr. - 06198165
Rathbun, Cserenyak & Kozol, LLC
3260 Executive Drive
Joliet, Illinois 60431
(815) 730-1977

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special Administrator of the
Estate of ROBERT CORCORAN, deceased.

Plaintiff

vs

TRANSCO LINES, INC., and ALFRED JOHNSON

CASE NO: 17 L 222

Defendant

Andrea Lynn Chasteen

Will County Circuit Clerk
Twelfth Judicial Circuit Court
***** Electronically Filed *****

APPEARANCE

Now comes the undersigned attorney and hereby enters his/her

General Appearance

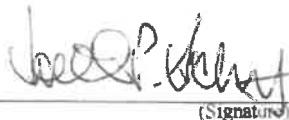
Trans. ID : 1719795382
Case No. : 2017L000222
FILEDATE : 04/12/2017
Clerk : GFSC
File Time : 02:51 PM

Co-Counsel Appearance

for

TRANSCO LINES, INC. and ALFRED JOHNSON

who is named as a (Plaintiff) (Defendant) in the above cause.



(Signature)

REQUIRED – ARDC#: 6182649

Name Jonathan P. Schaefer

Attorney's Firm Name Purcell & Wardrobe, Chtd.

Address 10 South LaSalle Street, Suite 1200

City & Zip Code Chicago, IL 60603

Telephone (312) 427-3900

E-mail JPS@pw-law.com

PAMELA J. MCGUIRE, CLERK OF THE CIRCUIT COURT OF WILL COUNTY

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special Administrator of the

Estate of ROBERT CORCORAN, deceased

Plaintiff

vs

TRANSCO LINES, INC. and ALFRED JOHNSON

CASE NO: 17 L 222

Defendant

JURY DEMAND

Plaintiff

in the above entitled cause demands a jury as to the following:

Defendant

Small Claims Six (6) Person Jury Demand

Small Claims Twelve (12) Person Jury Demand

Probate Jury Demand

Ordinance Violation Jury Demand

All Other Civil Matters:

Six (6) Person Jury Demand

_____ Alternate Juror(s) requested
(Number)

Andrea Lynn Chasteen

Will County Circuit Clerk
Twelfth Judicial Circuit Court
***** Electronically Filed *****

Trans. ID : 1719795382

Case No. : 2017L000222

FILEDATE : 04/12/2017

Clerk : GFSC

File Time : 02:51 PM

Attorney or Party, if not represented by Attorney
Name Jonathan P. Schaefer

ARDC # 6182649

Firm Name Purcell & Wardrobe, Chtd.

Attorney for Transco Lines, Inc. and Alfred Johnson

Address 10 South LaSalle Street, Suite 1200

City & Zip Code Chicago, IL 60603

Telephone (312) 427-3900/JPS@pw-law.com


(Signature)

PAMELA J. MCGUIRE, CLERK OF THE CIRCUIT COURT OF WILL COUNTY

White – Court Yellow – Plaintiff Pink – Defendant

17C Revised (06/15)

4967 JPS NI181

**IN THE CIRCUIT COURT OF TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS**

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
)
 Plaintiff,)
 v.) No. 17 L 222
)
 TRANSCO LINES, INC. and)
 ALFRED JOHNSON,)
)
 Defendants.)

Andrea Lynn Chasteen

Will County Circuit Clerk
Twelfth Judicial Circuit Court
***** Electronically Filed *****

Trans. ID : 1719795382

Case No. : 2017L000222

FILEDATE : 04/12/2017

Clerk : GFSC

File Time : 02:51 PM

DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSE TO COMPLAINT AT LAW

NOW COME the Defendants, TRANSCO LINES, INC. (hereinafter "TLI"), and ALFRED JOHNSON (hereinafter "JOHNSON"), by and through their attorneys, PURCELL & WARDROPE, CHTD., and hereby respond to the Plaintiff's Complaint At Law, as follows:

COUNT I
CORCORAN v. TRANSCO LINES, INC.

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.

ANSWER: Upon information and belief, the Defendants admit the allegations contained in Paragraph 1 of Count I.

2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

ANSWER: Upon information and belief, the Defendants admit the allegations contained in Paragraph 2 of Count I.

3. That on the aforesaid date, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

ANSWER: **The Defendants admit the allegations contained in Paragraph 3 of Count I.**

4. That on the aforesaid date, Defendant, ALFRED JOHNSON, was acting as agent and/or servant of Defendant, TRANSCO LINES, INC.

ANSWER: **The Defendants admit that JOHNSON was acting within the course and scope of his employment with TLI at the time and place alleged, but deny any legal conclusions contained in Paragraph 4 of Count I.**

5. That at said time and place, a collision occurred between the semi truck the Defendant was operating and Plaintiff's vehicle.

ANSWER: **The Defendants deny the allegations contained in Paragraph 5 of Count I. In further response, the Defendants admit that the vehicle being operated by Robert Corcoran ran into and under the Defendants' trailer.**

6. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care in the operation of his vehicle.

ANSWER: **The Defendants deny the allegations contained in Paragraph 6 of Count I.**

7. That at all times pertinent hereto, it was the duty of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, to exercise ordinary and due care in the operation of its semi truck.

ANSWER: **The Defendants deny the allegations contained in Paragraph 7, and only admit to those duties implied by law.**

8. Notwithstanding the aforesaid duty, Defendant breached said duty and was careless and negligent in one or more of the following respects:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
- (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;
- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

ANSWER: The Defendants deny the allegations contained in Paragraph 8 of Count I, and specifically deny the allegations contained in subparagraphs (a) – (f) thereunder.

9. That one or more of the aforesaid careless and negligent acts and/or omissions of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, was a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

ANSWER: The Defendants deny the allegations contained in Paragraph 9 of Count I.

10. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

ANSWER: The Defendants admit that Robert Corcoran died on April 16, 2015 as a result of him driving his vehicle into and under the trailer of the Defendants'

truck, but the Defendants deny any remaining allegations contained in Paragraph 10 of Count I.

11. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

ANSWER: The Defendants have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 11 of Count I, and therefore cannot admit, nor deny same.

12. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

ANSWER: The Defendants have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 11 of Count I, and therefore cannot admit, nor deny same.

WHEREFORE, the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, pray that judgment be entered in their favor and against the Plaintiff under Count I, and that they be awarded reasonable costs, fees and expenses.

COUNTII
CORCORAN v. ALFRED JOHNSON

1. That Kristina Corcoran has been appointed as Special Administrator of the Estate of Robert Corcoran, Deceased, and bring this action under the Wrongful Death Act.

ANSWER: The Defendants have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 1 of Count II, and therefore cannot admit, nor deny same.

2. That on April 15, 2015, Plaintiff's decedent, ROBERT CORCORAN, was the driver of a vehicle heading southbound on IL-53 at or near the intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

ANSWER: Upon information and belief, the Defendants admit the allegations contained in Paragraph 2 of Count II.

3. That on the aforesaid date, ALFRED JOHNSON was permissively operating a semi truck owned by Defendant, TRANSCO LINES, INC., heading eastbound on Manhattan Road turning left to proceed northbound on IL-53 at or near its intersection with Manhattan Road in the Township of Jackson, County of Will, State of Illinois.

ANSWER: The Defendants admit the allegations contained in Paragraph 3 of Count II.

4. That at said time and place, a collision occurred between the semi truck the Defendant was operating and Plaintiff's vehicle.

ANSWER: The Defendants deny the allegations contained in Paragraph 4 of Count II. In further response, the Defendants admit that the vehicle being operated by Robert Corcoran ran into and under the Defendants' trailer.

5. That at all times pertinent hereto, Plaintiff's decedent, ROBERT CORCORAN, exercised ordinary and due care in the operation of his vehicle.

ANSWER: The Defendants deny the allegations contained in Paragraph 5 of Count II.

6. That at all times pertinent hereto, it was the duty of Defendant, ALFRED JOHNSON, to exercise ordinary and due care in the operation of his semi truck.

ANSWER: The Defendants deny the allegations contained in Paragraph 6, and only admit to those duties implied by law.

7. Notwithstanding the aforesaid duty, Defendant breached said duty and was careless and negligent in one or more of the following respects:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
- (d) Failed to see and observe Plaintiff's vehicle when it could and should have been seen and observed;
- (e) Impermissibly operated his vehicle on a road and within an intersection where said vehicle was not permitted to traverse;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it.

ANSWER: The Defendants deny the allegations contained in Paragraph 7 of Count II, and specifically deny the allegations contained in subparagraphs (a) – (f) thereunder.

8. That one or more of the aforesaid careless and negligent acts and/or omissions of Defendant, TRANSCO LINES, INC., by and through its agent, ALFRED JOHNSON, was a proximate cause of said collision and Plaintiff's personal injuries as hereinafter mentioned.

ANSWER: The Defendants deny the allegations contained in Paragraph 8 of Count II.

9. That as a direct and proximate cause of one or more of the foregoing acts of negligence, Robert Corcoran expired on April 16, 2015.

ANSWER: The Defendants admit that Robert Corcoran died on April 16, 2015 as a result of him driving his vehicle into and under the trailer of the Defendants'

truck, but the Defendants deny any remaining allegations contained in Paragraph 9 of Count II.

10. That Robert Corcoran, Deceased, left surviving as heirs: his wife, Kristina Corcoran, and two minor sons, Zachary Robert Corcoran and Gavin Leonard Corcoran.

ANSWER: The Defendants have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 10 of Count II, and therefore cannot admit, nor deny same.

11. That as a direct and proximate result of the death of Robert Corcoran, Kristina Corcoran; Zachary Robert Corcoran, a minor; and Gavin Leonard Corcoran, a minor, have been deprived of society, companionship and affections of Robert Corcoran, Deceased, and have suffered grief and sorrow.

ANSWER: The Defendants have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraph 11 of Count II, and therefore cannot admit, nor deny same.

WHEREFORE, the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, pray that judgment be entered in their favor and against the Plaintiff under Count II, and that they be awarded reasonable costs, fees and expenses.

FIRST AFFIRMATIVE DEFENSE

NOW COMES the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, and in further response to the Plaintiff's Complaint at Law, hereby states the following as its First Affirmative Defense:

1. At the time and place alleged, the Plaintiff's decedent, Robert Corcoran, owed a duty to himself and to others, including the Defendants, to act in a reasonably and safe manner, so as not to cause any accident, injuries and/or damages.

2. At the time and place alleged, the Plaintiff's decedent, Robert Corcoran, breached said duty and proximately caused and/or contributed to his accident, injuries and/or damages, by committing one or more of the following careless and/or negligent acts and/or omissions:

- (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
- (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
- (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
- (d) Failed to see and observe Defendants' truck and trailer when it could and should have been seen and observed;
- (e) Failed to stop his vehicle for entering the intersection, when faced with a red traffic light for his lane of travel;
- (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it;
- (g) Failed to keep a proper and safe lookout for the conditions of the roadway and traffic;
- (h) Impermissibly distracted his attention from observing the Defendants' truck and tractor; and
- (i) Operated said vehicle when he knew, or reasonably should have known, that he could not operate said vehicle properly and safely due to his physical condition.

3. The aforementioned negligent acts and/or omissions of the Plaintiff's decedent, Robert Corcoran, were the sole proximate causes of the subject accident, injuries and damages.

WHEREFORE, the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, pray that judgment be entered in their favor and against the Plaintiff under Counts I and II, and that they be awarded reasonable costs, fees and expenses.

SECOND AFFIRMATIVE DEFENSE

NOW COMES the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, and in further response to the Plaintiff's Complaint at Law, hereby states the following as its Second Affirmative Defense:

1. At the time and place alleged, the Plaintiff's decedent, Robert Corcoran, owed a duty to himself and to others, including the Defendants, to act in a reasonably and safe manner, so as not to cause any accident, injuries and/or damages.
2. At the time and place alleged, the Plaintiff's decedent, Robert Corcoran, breached said duty and proximately caused and/or contributed to his accident, injuries and/or damages, by committing one or more of the following careless and/or negligent acts and/or omissions:
 - (a) Drove said vehicle at a speed, which was greater than reasonable and proper, in violation of 625 ILCS 5/11-601;
 - (b) Failed to decrease the speed of said vehicle when approaching or crossing said intersection, in violation of 625 ILCS 5/11-601;
 - (c) Failed to sound the horn on said vehicle so as to give warning of its approach, in violation of 625 ILCS 5/12-601;
 - (d) Failed to see and observe Defendants' truck and trailer when it could and should have been seen and observed;
 - (e) Failed to stop his vehicle for entering the intersection, when faced with a red traffic light for his lane of travel;
 - (f) Failed to stop said vehicle in time to avoid said collision, although Defendant saw, or should have seen, that it was impending and had ample time and opportunity to avoid it;

- (g) Failed to keep a proper and safe lookout for the conditions of the roadway and traffic;
- (h) Impermissibly distracted his attention from observing the Defendants' truck and tractor; and
- (i) Operated said vehicle when he knew, or reasonably should have known, that he could not operate said vehicle properly and safely due to his physical condition.

WHEREFORE, the Defendants, TRANSCO LINES, INC. and ALFRED JOHNSON, pray that, if judgment is entered against either or both of them under Counts I and/or II, said judgment be reduced by that percentage to which the Plaintiff's decedent's own comparative and/or contributory fault caused or contributed to the subject accident, injuries and damages, and that judgment be entered in favor of the Defendants and against the Plaintiff under Counts I and II if it is deemed that the comparative fault of the Plaintiff's decedent exceeded fifty percent (50%) of the total fault attributable to the subject occurrence.

Respectfully submitted,



Jonathan P. Schaefer

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IN THE CIRCUIT COURT OF TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

KRISTINA CORCORAN, as Special)
Administrator of the Estate of)
ROBERT CORCORAN, deceased,)
Plaintiff,)
v.) No. 17 L 222
TRANSCO LINES, INC. and)
ALFRED JOHNSON,)
Defendants.)

Andrea Lynn Chasteen

Will County Circuit Clerk
Twelfth Judicial Circuit Court
***** Electronically Filed *****

Trans. ID : 1719795382

Case No. : 2017L000222

FILEDATE : 04/12/2017

Clerk : GFSC

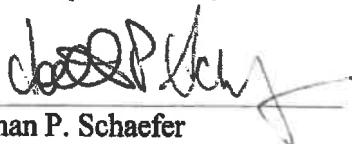
File Time : 02:51 PM

NOTICE OF FILING

To: Mr. Frank S. Cservenyak, Jr.
RATHBUN, CSERVENYAK & KOZOL, LLC
3260 Executive Drive
Joliet, IL 60431

YOU ARE HEREBY NOTIFIED that on April 12, 2017, we electronically filed with the Circuit Court of the Twelfth Judicial Circuit, Will County, Illinois, **TRANSCO LINES, INC. AND ALFRED JOHNSON'S APPEARANCE AND JURY DEMAND, ANSWER AND AFFIRMATIVE DEFENSES, AND NOTICE OF REMOVAL (WITHOUT EXHIBITS)**, copies of which are attached hereto and served upon you.

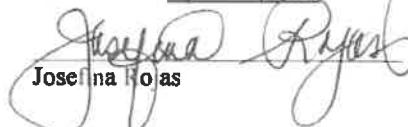
Respectfully submitted,


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CERTIFICATE OF SERVICE

I, Josefina Rojas, a non-attorney, certify, pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure, certify that I served a copy of the above and foregoing Notice of Filing together with copies of the aforementioned Documents, via U.S. Mail, to each party to whom it is directed on April 12, 2017.


Josefina Rojas